

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 25, 2017
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB17-1277 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 6, line 2, after "DEPARTMENT." add "A PERSON
2 WHO HAS RECEIVED A NOTICE OF SUSPENSION MAY ALSO REQUEST A
3 HEARING FOR A PROBATIONARY LICENSE ISSUED IN ACCORDANCE WITH
4 SUBSECTION (9) OF THIS SECTION."

5 Page 10, line 15, strike "SUSTAINED." and substitute "SUSTAINED AND THE
6 PRESIDING HEARING OFFICER SHALL THEN CONSIDER WHETHER OR NOT TO
7 ISSUE A PROBATIONARY LICENSE IN ACCORDANCE WITH SUBSECTION (9) OF
8 THIS SECTION."

9 Page 11, after line 18 insert:

10 "(9) A PRESIDING HEARING OFFICER MAY ISSUE A PROBATIONARY
11 LICENSE FOR A PERIOD NOT TO EXCEED THE PERIOD OF SUSPENSION FOR
12 THE PURPOSE OF DRIVING FOR REASONS OF EMPLOYMENT, EDUCATION,
13 HEALTH, OR OTHER NECESSITIES AS DETERMINED BY THE PRESIDING
14 HEARING OFFICER, WHICH LICENSE MAY CONTAIN SUCH RESTRICTIONS AS
15 THE DEPARTMENT DEEMS REASONABLE AND NECESSARY AND WHICH MAY
16 THEREAFTER BE SUBJECT TO CANCELLATION AS A RESULT OF ANY
17 VIOLATION OF THE RESTRICTIONS IMPOSED THEREIN. THE PRESIDING
18 HEARING OFFICER MAY REFUSE TO ISSUE A PROBATIONARY LICENSE IF THE
19 DEPARTMENT FINDS THAT AGGRAVATING CIRCUMSTANCES EXIST TO
20 INDICATE THE INDIVIDUAL IS UNSAFE FOR DRIVING FOR ANY PURPOSE. IN
21 REFUSING TO ISSUE A PROBATIONARY LICENSE, THE DEPARTMENT SHALL
22 MAKE SPECIFIC FINDINGS OF FACT TO SUPPORT SUCH REFUSAL. SUCH

1 AGGRAVATING CIRCUMSTANCES MUST BE MATTERS OTHER THAN THE
2 FACTS AND CIRCUMSTANCES OF THE CASE GIVING RISE TO SUSPENSION
3 UNDER THIS SECTION."

4 Page 11, line 19, strike "(9)" and substitute "(10)".

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